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SENATE BILL 426

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Rod Adair

AN ACT

RELATING TO HIGHER EDUCATION; DEFINING RESIDENT STUDENT;
CHANGING ELIGIBILITY FOR STATE-FUNDED FINANCIAL AID.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 21-1-4 NMSA 1978 (being Laws 1971,
Chapter 235, Section 1, as amended) is amended to read:

"21-1-4. TUITION AND GENERAL FEE CHARGES--
DEFINITIONS.--

A. The state educational institutions set forth in
Article 12, Section 11 of the constitution of New Mexico and
their branches, community colleges as provided in Chapter 21,
Article 13 NMSA 1978 and technical and vocational institutes as
provided in Chapter 21, Article 16 NMSA 1978 shall charge
tuition, which is in addition to general or other earmarked
fees, as provided by law.

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1 B. "Tuition" means the amount of money charged to
2 students for instructional services, which may be charged per
3 term, per course or per credit. "Tuition" does not include
4 required general or other fees.

5 C. "General fee" means a fixed sum charged to
6 students for items not covered by tuition and required of such
7 a proportion of all students that the student who does not pay
8 the charge is an exception. General fees include fees for
9 matriculation, library services, student activities, student
10 union services, student health services, debt service and
11 athletics. An institution may charge fees in addition to
12 general fees that are course-specific or that pertain to a
13 smaller proportion of students.

14 D. During the regular academic year, "full-time
15 student" means a student who is taking twelve or more credit
16 hours in one semester or quarter. Full-time students during
17 the academic year shall be charged tuition at rates provided by
18 law.

19 E. During the summer session, "full-time student"
20 means a student who is taking at least a minimum number of
21 credit hours, which minimum is in the same proportion to twelve
22 credit hours as the duration and normal credit-hour load of the
23 summer session in the particular institution is to the duration
24 and normal credit-hour load of the institution's regular
25 semester or quarter. Full-time students in the summer session

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1 shall be charged tuition at resident and nonresident rates in
2 each institution, which rates shall be in the same proportion
3 to the full-time resident and nonresident rates of that
4 institution for the regular semester or quarter as the minimum
5 number of credit hours is to twelve hours.

6 F. "Part-time student" means a student who is
7 taking fewer than the minimum number of credit hours in a
8 semester, quarter or summer session required for full-time
9 student status. Part-time students shall be charged tuition at
10 rates per semester credit hour or quarter credit hour as
11 provided by law.

12 G. The higher education department shall define
13 resident and nonresident students for the purpose of
14 administering tuition charges in accordance with the
15 constitution and statutes of the state and after consultation
16 with the appropriate officials of the institutions concerned.
17 A student who is not a citizen of the United States or who is
18 not a legal immigrant shall be defined as a nonresident for the
19 purpose of tuition charges. Each institution shall use the
20 uniform definitions so established in assessing and collecting
21 tuition charges from students."

22 Section 2. Section 21-1-4.6 NMSA 1978 (being Laws 2005,
23 Chapter 348, Section 1) is amended to read:

24 "21-1-4.6. NONDISCRIMINATION POLICY FOR ADMISSION TO ANY
25 PUBLIC POST-SECONDARY EDUCATIONAL INSTITUTION

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1 ~~[NONDISCRIMINATION IN ELIGIBILITY FOR EDUCATION BENEFITS.--~~
2 ~~A.]~~.--A public post-secondary educational institution shall not
3 deny admission to a student on account of the student's legal
4 immigration status.

5 ~~[B. Any tuition rate or state-funded financial~~
6 ~~aid that is granted to residents of New Mexico shall also be~~
7 ~~granted on the same terms to all persons, regardless of~~
8 ~~immigration status, who have attended a secondary educational~~
9 ~~institution in New Mexico for at least one year and who have~~
10 ~~either graduated from a New Mexico high school or received a~~
11 ~~general educational development certificate in New Mexico.]"~~